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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,099	01/18/2002	Francesco Caruso	1385	9867

9941 7590 02/17/2006

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EXAMINER

NANO, SARGON N

ART UNIT PAPER NUMBER

2157

DATE MAILED: 02/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/052,099	Applicant(s) CARUSO ET AL.	
	Examiner Sargon N. Nano	Art Unit 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 17, 18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17, 18 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

1. This action is responsive to RCE filed on Sep. 7, 2005. Claims 17, 18 and 20 were amended. Claim 19 was canceled. Claims 17, 18 and 19 are pending examination.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 17, 18 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Chu et al. U.S. Patent No. 6,263,367 (referred to hereafter as Chu).

Claim 17, Chu teaches a method for implementing adaptive notification to a client in a client-server system, wherein asynchronous notifications are sent from a server to a client in a data communication system and based on a refresh interval for that client, the method comprising the steps of:

the client sending registration information to the server(see col. 10 lines 5 – 25 Chu discloses that a client sends a request to a server to be added or registered in a dynamic directory);  
the server setting a refresh polling interval for the client, the refresh polling interval being the time interval between notifications of new information being sent from the

Art Unit: 2157

server to the client ( see col.10 lines 20 – 25 Chu discloses that a client - refresh period is determined by the server);

the server sending the refresh polling interval to the client and the client storing the sent refresh polling interval (see col. 10 lines 50 – 56, Chu discloses after setting the client refresh period that was sent by the server to the client);

the client polling the server for an asynchronous notification of new information at the time intervals based on the refresh polling interval stored at the client(see col. 10 lines 50 – 65, Chu discloses after setting the client refresh period that was sent by the server to the client); and

the server transmitting a notification including such new information over the data communication system to the client in response to said polling (see col. 10 lines 50 – 65, Chu discloses server transmitting a refresh period to the client).

Claim 18, Chu teaches the method of claim 17 wherein said notification of new information also includes an updated refresh polling interval and said client changing the stored interval of time between polling notifications to the updated refresh polling interval (see col. 2 lines 45 – 60 and col. 10 lines 50 – 65 and).

Claim 20,Chu teaches the method of claim 17 wherein the refresh polling interval is calculated based at least in part upon the processing power of the client (see col. 12 line 55 – 60).

### ***Response to Arguments***

3. In the remarks applicant argue in substance that A) Chu does not disclose the refresh polling interval being the time interval between notification of new information

Art Unit: 2157

to the server to the server. In response to A) examiner respectfully disagrees, because Chu discloses that client refresh periods (CRP) that is sent to the client by the server includes the newly refreshed periods (information) such as different polling time (see col. 10 lines 5 – 64). Therefore Chu meets the scope of the limitation as set in the claims.

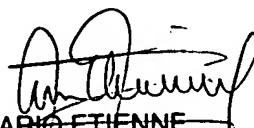
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sargon N. Nano whose telephone number is (571) 272-4007. The examiner can normally be reached on 8 hour.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sargon Nano

Feb. 8, 2005

  
ARIO ETIENNE  
PRIMARY EXAMINER